IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18166 of 2003

Between:

1. Sri Juvadi Devi Prasad, s/o Yeshwant Rao, 3, Madhupala Enclave, Akbar Road, Secunderabad.
2. Sri Surender Gamji, s/o Narsimha Gamji, 1-5-126/1, Sultan Bazaar, Hyderabad.

..... PETITIONERS

AND

1 The Union of India, rep., by its Secretary, Ministry of Law, Shastri Bhawan, R.P.Road, New Delhi.
2 State Bank of Hyderabad, Industrial Finance Branch, Topaz Buildings, Punjagutta, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, sticking down the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and sticking down the provisions of Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and quashing the notice dated 01-07-2003 issued by the respondent No.2 and consequently set aside the possession notice (under Section 13(4) of the said Act

Counsel for the Petitioner: MR.V.KISHORE

Counsel for the Respondent No.1:Mr A.Rajasekhara Reddy, Standing Counsel for Central Govt.

Counsel for the Respondent No.2: MR.K.V.SIMHADRI

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

July 9 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 The Secretary, Ministry of Law, Union of India, Shastri Bhawan, R.P.Road, New Delhi.
2 The State Bank of Hyderabad, Industrial Finance Branch, Topaz Buildings, Punjagutta, Hyderabad.

3 2 CD copies.